

# **SAINT KITTS AND NEVIS 2021 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Saint Kitts and Nevis is a multiparty parliamentary democracy and federation. The prime minister is the head of government. The United Kingdom's Queen Elizabeth II is the head of state, represented by a governor general. The constitution provides the smaller island of Nevis considerable powers of self-governance under a premier. In 2020 national elections, Team Unity, a coalition of three political parties, won nine of the 11 elected seats in the legislature. Team Unity leader Timothy Harris was reelected prime minister for a second term. A Caribbean Community observation mission assessed that the elections were free and fair.

The security forces consist of a police force, which includes the paramilitary Special Services Unit, a drug unit, the Special Victims Unit, the Office of Professional Standards, and a white-collar crimes unit. These forces are responsible for internal security, including migration and border enforcement. Police report to the Ministry of National Security, which is under the prime minister's jurisdiction. Civilian authorities maintained effective control over the security forces. There were few credible reports that members of the security forces committed abuses.

Significant human rights issues included the continued criminalization of same-sex sexual conduct between men, although the law was not enforced during the year.

There were no reports of prosecutions or arrests of government officials for human rights violations during the year, but authorities stated they took appropriate measures to discipline officials when necessary. The government generally implemented effectively the law criminalizing official corruption.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

## **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution prohibits such practices. There was one report that government officials allegedly arrested a suspect in a degrading manner. In February a photograph and videos on social media in Nevis with images of a man lying face down in a drain and a law enforcement officer standing on the upper part of his back, seemingly to make an arrest. Authorities investigated the incident and stated they had taken appropriate disciplinary measures.

## **Prison and Detention Center Conditions**

Prisons were slightly overcrowded, and facilities were austere.

**Physical Conditions:** The country has two prisons with a total capacity of 160 inmates. The total prison population on St. Kitts was 179 in July, including pretrial detainees, who were confined with convicted prisoners. Most prisoners had beds, although some slept on blankets on the floor. Inmates between ages 16 and 21 were held with adult prisoners.

**Administration:** Authorities generally investigated credible allegations of mistreatment.

**Independent Monitoring:** Authorities generally permitted prison visits by independent human rights observers, although there were no known visits during the year.

**Improvements:** During the year authorities repainted and renovated some cells and installed new air-conditioning units. Barracks were constructed for staff.

## **d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

### **Arrest Procedures and Treatment of Detainees**

Police may arrest a person without a warrant, based on the suspicion of criminal activity. The law requires that detained persons be charged within 72 hours or be released. If detainees are charged, authorities must bring them before a court within 72 hours of detention. There is a functioning bail system. Detainees have prompt access to a lawyer of their choice or to a lawyer provided by the state. The government provides free defense counsel to indigent defendants only in capital cases. There is a private legal-aid program to provide legal assistance to indigent defendants. Authorities permitted family members, attorneys, and clergy to visit prisoners once per month and to visit those in pretrial confinement once per week.

Authorities remand persons accused of serious offenses to custody to await trial. They release those accused of minor infractions on their own recognizance or on bail with sureties.

**Pretrial Detention:** Pretrial detainees were 30 percent of the prison population. The length of time a person was held in pretrial detention varied. The government did not report on the average length of pretrial detention. Nongovernmental organization (NGO) representatives, however, reported pretrial detentions of six to nine months for High Court (serious offenses) cases.

### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

### **Trial Procedures**

The constitution provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. There is a presumption of innocence. Defendants have the right to be informed promptly and in detail of the charges and to have a fair and public trial without undue delay. Defendants have the right to be

present at their trial and to consult an attorney of their choice in a timely manner. Defendants have adequate time to prepare a defense. Defendants have free access to an interpreter. Defendants may question or confront witnesses and present their own witnesses and evidence. Defendants may not be compelled to testify or confess guilt, and they have a right to appeal. On March 4, the federal parliament passed three bills aimed at strengthening the judicial process. The attorney general and minister of justice and legal affairs stated the bills confer jurisdiction on the chief justice to make criminal procedure rules for the Magistrate's Court and would reduce backlogs within the criminal justice system, reduce the time persons wait for trial, and provide for alternate jurors.

To lower the number of cases that go to trial, in May the government conducted a mediation training session for 26 persons to instruct them in conflict resolution.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

There is an independent and impartial judiciary for civil matters. Individuals or organizations may seek civil remedies for human rights violations through domestic courts and the Eastern Caribbean Court of Appeal.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibits such actions, and there were no reports the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. An

independent press, an effective judicial system, and a functioning democratic political system combined to promote freedom of expression, including for members of the media.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights. Civil servants are restricted from participating in protests.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

### **e. Status and Treatment of Internally Displaced Persons**

Not Applicable.

### **f. Protection of Refugees**

Information on the government's cooperation with the Office of the UN High Commissioner for Refugees was unavailable.

**Access to Asylum:** While the law provides for the granting of asylum or refugee status, the government has not established a system for providing protection to refugees. There were no requests for asylum reported during the year.

### **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. Voters elect 11 members of the National Assembly, and the governor general appoints a three-person senate: two on the recommendation of the prime minister and one on the recommendation of the opposition leader.

#### **Elections and Political Participation**

**Recent Elections:** Team Unity, a coalition of the People’s Action Movement and the People’s Labor Party in St. Kitts, and the Concerned Citizens Movement in Nevis, won nine of the 11 elected seats in the legislature in the June 2020 national elections. Team Unity leader Timothy Harris was reelected prime minister for a second term. The opposition St. Kitts and Nevis Labour Party (SKNLP) won two seats in the election.

Five unsuccessful SKNLP candidates filed petitions in the High Court challenging the results of the June 2020 general elections in the constituencies in which they ran. Citing a lack of independent observers, the SKNLP leader alleged the government had an unfair political advantage, since the elections were held during a COVID-19-related state of emergency. A Caribbean Community observation mission assessed that “the voters were able to cast their ballots without intimidation or fear and that the results of the 5 June 2020 General Elections reflect the will of the people of the Federation of St. Kitts and Nevis.”

The island of Nevis exercises considerable self-governance with its own premier and legislature, and it has the right to secede from the federation. There were no local elections during the year.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women or members of minority groups in the political process, and

they did participate. The first woman to lead a political party in the country was elected president of the Nevis Reformation Party in September 2020.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. Media and private citizens reported government corruption was occasionally a problem.

**Corruption:** Members of the opposition expressed concern regarding the lack of financial oversight of revenues generated by the Citizenship by Investment (CBI) program. During the year the government held bilateral consultations to discuss best practices and improve the security of the CBI program. The government did not publicize the number of passports issued through CBI or the nationalities of the passport holders.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

The country had a small number of domestic human rights groups that generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

**Government Human Rights Bodies:** The Ministry of Health maintained a human rights desk to monitor discrimination and other human rights abuses beyond the health sector.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law classifies sexual violence, rape, and incest as serious offenses, protects victims of domestic violence, and establishes penalties

for perpetrators. The government enforced the law. The law prohibits rape of women but does not address spousal rape. The law utilizes an “unnatural offenses” statute to address male rape. Penalties for rape range from two years’ imprisonment for incest between minors to life imprisonment. Indecent assault has a maximum penalty of 10 years’ imprisonment. There is no statute of limitations for prosecuting sexual offenses.

Court cases and anecdotal evidence suggested that rape, including spousal rape, was a problem. On July 7, on Saint Kitts and Nevis Information Service’s television program *Working for You*, members of the Special Victims Unit of the police force discussed issues related to domestic violence and abuse affecting individuals across the country. The head of the unit indicated there was no increase in rape cases, compared with the previous period of COVID-19 restrictions. In July the constable in charge of investigations at the unit publicly noted men who were being abused struggled to disclose abuse due to a perceived stigma.

Violence against women was a serious and underreported problem. The law criminalizes domestic violence, including emotional abuse, and provides for a fine or six months in prison. The government enforced the law. Advocates indicated they believed the true number of incidences was likely higher than reported but that many victims were reluctant to file reports due to the belief that they would not be protected or that their abusers would not be prosecuted. In July the prime minister publicly committed to provide additional resources to the Ministry of Social Development to help prevent abuse and give victims a greater sense of empowerment and independence.

In March the Department of Gender Affairs announced the development of a UNESCO-funded National Gender Equality Policy and Action Plan to assist the government in facilitating gender equality and empowerment.

**Sexual Harassment:** The law does not explicitly prohibit sexual harassment in the workplace. Sexual harassment cases are instead prosecuted under the Protection of Employment Act. The press reported that sexual harassment occurred in the workplace.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Contraception was widely available. There were no legal or social barriers to accessing contraception, but some religious beliefs and cultural barriers limited its usage. Survivors of sexual violence could access services from any public hospital. Emergency contraception was available with a doctor's prescription as part of clinical management of rape.

**Discrimination:** The law provides women the same legal status and rights as men, including under family, religious, personal status and nationality laws, as well as in property, inheritance, employment, and owning or managing a business. In the labor sector, women are legally restricted from working in some industries, including mining, construction, factories, energy, and water. No law prohibits gender-based discrimination in access to credit. The law requires equal remuneration, and women and men generally received equal salaries for comparable jobs. The government effectively enforced the law.

## **Systemic Racial or Ethnic Violence and Discrimination**

The constitution expressly prohibits discrimination based on race, place of origin, birth out of wedlock, political opinions or affiliations, color, and sex or creed.

There were no reports of governmental or societal violence or discrimination against members of racial, ethnic, or national minorities during the year. There were no reports of disproportionate access to education.

## **Children**

**Birth Registration:** Children acquire citizenship by birth in the country, and all children are registered at birth. Children born abroad to citizen parents may be registered by either parent.

**Child Abuse:** Child abuse is illegal but was a problem. According to the government, neglect was the most common form of abuse, while physical abuse, including sexual molestation, occurred. The Special Victims Unit investigated allegations of physical and sexual abuse, domestic violence, juvenile abuse, and

crimes against children. The unit worked closely with the Department of Probation and Child Protection Services when there were juvenile-related matters and the Department of Gender Affairs when there were cases of domestic violence. In child abuse cases, the law allows children to testify against their alleged attackers using remote technologies such as Skype. Other solutions, such as placing a physical barrier in the courtroom, were also employed to protect victims. The Ministry of Social Services and the Ministry of Education regularly collaborated on programs to curb child abuse.

The St. Christopher Children's Home served abused and neglected children; it received funding and logistical support from the government.

The government offered counseling for both adult and child victims of abuse.

**Child, Early, and Forced Marriage:** The legal minimum age for marriage is 18 for both men and women. Underage marriage was rare.

**Sexual Exploitation of Children:** The law prohibits commercial sexual exploitation of children, and it was generally enforced. Child pornography is illegal and carries a penalty of up to 20 years in prison. NGO representatives reported that sexual exploitation and molestation of children were problems. NGO representatives also reported that adolescent transactional sex was an occasional problem. The age of consent for sexual relations is 16. Having sexual relations with children younger than age 16 is illegal.

**International Child Abductions:** The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

There was no organized Jewish community, and members of the Jewish faith reported there were no anti-Semitic acts.

## **Trafficking in Persons**

There were no confirmed reports during the year that St. Kitts and Nevis was a source, destination, or transit country for victims of human trafficking.

### **Persons with Disabilities**

The law does not explicitly prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities. Persons with disabilities experienced discrimination, particularly with access to buildings and public transportation. The law mandates access to buildings for persons with disabilities, but it was not consistently enforced. Children with disabilities attended school, although some parents of students with disabilities preferred to have their child stay at home. There was a segregated school for students with disabilities. Many local schools accommodated students with physical disabilities. In July the prime minister announced the government would provide a stipend to households with disabled children through the end of the year. As of the end of August, 118 applications were approved for assistance through the disability support initiative.

### **HIV and AIDS Social Stigma**

The law prohibits discrimination based on a person's HIV status; however, societal discrimination occurred against persons with HIV or AIDS. The Ministry of Labor enforced a specific antidiscrimination policy covering HIV and AIDS in the workplace. In February the national HIV/AIDS and Program coordinator and other health officials publicly advocated for decriminalizing homosexuality as "critical to combatting HIV/AIDS" and noted that a person's HIV status is categorized as personal medical information and deserves the right to be kept private and confidential at all times.

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law criminalizes consensual same-sex sexual conduct among men under an "unnatural offenses" statute that carries a penalty of up to 10 years in prison. There were no reports the government enforced the law in recent years.

No laws prohibit discrimination against a person based on sexual orientation or gender identity in matters regarding essential goods and services and access to government services, such as health care.

The government stated it received no reports of violence or discrimination based on sexual orientation, but some observers suggested there was underreporting due to negative societal attitudes.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

Labor laws and procedures are the same in St. Kitts and in Nevis.

The law provides for the right to form and join independent unions or staff associations. Freedom of association and the right to collective bargaining were generally respected in practice. The law permits police, civil servants, hotels, construction workers, and small businesses to organize staff associations. Staff associations do not have bargaining powers but are used to network and develop professional standards. A union representing more than 50 percent of the employees at a company may apply for the company to recognize the union for collective bargaining. Companies generally recognized the establishment of a union if a majority of its workers voted in favor of organizing the union, but the companies are not legally obliged to do so.

In practice, but not by law, there were restrictions on strikes by workers who provide essential services, such as police and civil servants. The law prohibits antiunion discrimination but does not require employers found guilty of such discrimination to rehire employees fired for union activities. The International Labor Organization provided technical assistance to the government in labor law reform, labor administration, employment services, labor inspection, and occupational safety and health. The government effectively enforced applicable laws, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. The Ministry of Labor provided employers with training on their rights and responsibilities.

## **b. Prohibition of Forced or Compulsory Labor**

The constitution prohibits slavery, servitude, and forced labor. The government did not report any cases of involuntary servitude. The government effectively enforced applicable laws, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination.

## **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the worst forms of child labor, and a Special Victims Unit, led by the Child Protection Services and police, investigated violations. The law sets the minimum age for work at 16. Prohibitions do not apply to family businesses. Children ages 16 and 17 have the same legal protections from dangerous work conditions as all workers. The law permits children from the ages of 16 to 18 to work regular hours. Employment of children from the ages of 16 to 18 in certain industries related to the hotel and entertainment sectors is restricted. The government effectively enforced the applicable laws, and penalties were commensurate with those for analogous crimes. Most children younger than age 16 with jobs worked after school in shops and supermarkets or did light work in the informal sector.

The Ministry of Labor relied heavily on school truancy officers and the Community Affairs Division to monitor compliance with child labor laws, which they did effectively. The ministry reported that investigations were frequent and that violators were referred to the Social Security Office for enforcement.

In February the country joined regional member states of the International Labor Organization in the launch of the International Year for the Elimination of Child Labor in the Americas, under the theme #EndChildLabour2021. During a February 11 press conference, the minister of labor stated that child labor practices were nonexistent in the country, but “our Federation was, nevertheless, obligated to do its part in spreading the message that child labor is fundamentally wrong and should be brought to an end.”

## **d. Discrimination with Respect to Employment and Occupation**

The law and regulations prohibit discrimination based on race, sex, gender, language, HIV-positive status or other communicable diseases, sexual orientation, gender identity, or social status. The law stipulates any employer who wrongfully terminates an employee can be fined to cover the cost of employee benefits. The government effectively enforced discrimination laws and regulations, and penalties were commensurate to those for laws related to civil rights, such as election interference.

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The national minimum wage for all sectors of the economy was above the estimated poverty income level. The law does not prohibit excessive or compulsory overtime, but policy calls for employers to inform employees if they have to work overtime. Although not required by law, workers generally received at least one 24-hour rest period per week.

**Occupational Safety and Health:** The government sets occupational safety and health (OSH) standards that were outdated but appropriate for the country's main industries. Workers could remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation. The law also requires employers to report accidents and dangerous incidents. The government effectively enforced OSH laws, and penalties were commensurate with those for similar crimes, such as fraud. Labor inspectors have the authority to make unannounced inspections and make recommendations.

The Labor Commission settles disputes over OSH conditions. The office conducts regular workplace inspections. Violators are subject to fines, and repeat offenders are subject to prosecution. The commission undertook wage inspections and special investigations when it received complaints. If the commission found that employers violated wage regulations, penalties were generally sufficient to encourage compliance. The government reported there were no violations resulting in arrests or prosecutions.

**Informal Sector:** The Ministry of Labor relied primarily on worker complaints to initiate inspections of facilities using informal labor. The number of labor

inspectors was sufficient to enforce compliance. During the COVID-19 pandemic, labor inspectors were part of the National COVID-19 Compliance Task Force. The Social Security Office was responsible for registering informal workers and businesses.